

## INTERGOVERNMENTAL PERSONNEL ACT OF 1970

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DECEMBER 14, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. PERKINS, from the Committee on Education and Labor, submitted the following

### REPORT

[To accompany S. 11]

The Committee on Education and Labor, to whom was referred the bill (S. 11) to reinforce the Federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the matter that appears in *italic type* in the reported bill.

#### PURPOSE

S. 11, as amended, is designed to improve the quality of American Government, with particular emphasis given to strengthening State and local governments through improved personnel administration and more efficient recruiting and training of personnel, particularly in the administrative, technical, and professional categories. It is intended to provide the first comprehensive Federal aid program for improving and strengthening State and local personnel administration. It focuses on three basic problems in the public manpower area: the interchange of Federal, State, and local employees; training programs; and personnel management.

It is the purpose of the bill to provide for a system of Federal financial and technical assistance and other Federal support to State and local governments. The authorities granted by the bill are to be employed in a manner designed to encourage innovation and to allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration and their own training programs.

Specifically, the bill seeks to achieve the following ends:

1. To provide for intergovernmental cooperation, through an advisory council appointed by the President, in the development of policies and standards for the administration of programs for improvement of State and local personnel administration and training. The advisory council would report from time to time to the President and to the Congress, and in transmitting to the Congress reports of the advisory council, the President would submit to the Congress proposals of legislation which he deems desirable to carry out recommendations of the advisory council.

2. To authorize the Civil Service Commission to make grants to State and local governments to plan and to make improvements in their systems of personnel administration.

3. To transfer to the Civil Service Commission responsibility for administration of existing Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs.

4. To authorize Federal agencies to admit State and local government officials and employees, particularly in administrative, professional, and technical occupations, to Federal training programs. To meet the costs resulting from the admission of State or local employees or officials to such training programs, the Federal agency concerned may use its appropriations or may be reimbursed by State or local governments, or the Civil Service Commission may use its appropriations to reimburse the Federal agency concerned or make advances toward these costs.

5. To authorize Federal agencies administering programs of financial grants or assistance to State or local governments to provide special training for State and local government officials or employees who have responsibilities related to those programs; and permit State and local governments to use appropriate Federal funds to establish training courses for or to pay certain education expenses of their officials or employees who have responsibilities related to the program concerned.

6. To authorize the Civil Service Commission to make grants to State and local governments and other appropriate organizations for carrying out approved plans for training State and local government employees, for the development of such plans by State and local governments, and for government service fellowships for employees selected for special graduate-level university training.

7. To authorize the Civil Service Commission to join with State and local governments in cooperative recruitment and examining activities and to furnish technical advice and assistance, at the request of State and local governments, to strengthen personnel administration.

8. To give the consent of Congress to interstate compacts designed to improve personnel administration and training for State and local employees.

9. To authorize the temporary exchanging of personnel between the Federal Government and States and local governments.

10. To direct the Civil Service Commission to coordinate activities of Federal agencies in providing training and technical assistance services to State and local governments, so as to avoid duplication of effort and to insure maximum effectiveness of administration.

#### BACKGROUND

S. 11 was passed by the Senate on October 21, 1969. Thereafter the Special Subcommittee on Education held 3 days of hearings on S. 11, H.R. 5546 (introduced by Mr. Moorhead), and H.R. 13890 (introduced by Mr. Stokes). Witnesses were heard who represented the Civil Service Commission, National Governors' Conference, city of New York, National Association of Counties, National League of Cities, Conference of Mayors, State Personnel Administrators Association, and the Minnesota Higher Education Coordinating Committee.

The views expressed in the testimony of witnesses and in communications by others to the committee were overwhelmingly in support of the objectives of the legislation. They reflected widespread concern among officials of government at every level and among students of public administration over the shortage of personnel properly qualified to carry the responsibilities of modern-day government. Measures to help State and local governments improve their personnel administration and training programs, to provide for greater mobility of professional, administrative, and technical personnel between levels of government, and to promote intergovernmental cooperation in personnel and training matters, all received strong endorsement.

Issues developed during the hearings were resolved by a series of amendments to the Senate bill. The bill, as amended, has the support of the National Governors' Conference, the Conference of Mayors, and the National Association of Counties. The bill, as amended, also has the full support of the administration, as indicated in the following letter from the Chairman of the Civil Service Commission.

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D.C., December 9, 1970.

Hon. CARL D. PERKINS,  
*Chairman, Committee on Education and Labor,*  
*House of Representatives,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: I was pleased to learn of the favorable action on S. 11 by the Committee on Education and Labor. The bill as reported out is completely acceptable to us. I would like to emphasize that the administration fully supports this measure and endorses its enactment in its present form.

I appreciate your committee's interest in this legislation and I hope that its action will lead to final congressional approval by the end of this session.

Sincerely yours,

ROBERT E. HAMPTON,  
*Chairman.*

## NEED FOR LEGISLATION

Growth in population and increasing urbanization of the United States are greatly extending State and local government responsibilities. Citizens are demanding more effective government, better education for their children, more and better roads and public transit facilities, clean and plentiful water, unpolluted air, better police and fire protection, more and better recreation facilities, more and better hospitals, better facilities for the treatment of mental illness, programs for safeguarding economic security, and many other services. New and urgent urban problems have developed including: slums and commercial blight, inadequate housing, water and air pollution, crime and juvenile delinquency, racial tensions, unemployment and underemployment, traffic congestion, and inequities in education.

These mushrooming demands generally have been beyond the financial capabilities of the State and local governments to meet. Accordingly, there has been a continually increasing need for Federal aid. In 11 years, total Federal aid to State and local governments has more than quadrupled, rising from \$4.1 billion in 1957 to an estimated \$17.2 billion in 1968.

This aid in recent years has constituted about 15 percent of total State-local revenue and covers a wide variety of activities; from airport construction to urban renewal, from highway construction to public assistance and community development. By a conservative count, there were 162 Federal programs of aid to State and local governments in January 1966.

The need of State and local governments for substantial financial assistance is only one of the many facets of the overall problem of meeting the demands of our citizens and of making our population centers fit places to live. Also critical is the fact that many of the States and local governments, now and in the foreseeable future, lack the highly qualified administrative, professional, and technical personnel in the numbers required to plan, innovate, organize, and execute the wide variety of necessary programs.

Between 1955 and 1965, State and local government employment increased from 4.7 to 7.7 million persons. This is a 63-percent increase—a rate of growth four times that of the U.S. economy as a whole and seven times that for Federal employment.

It is estimated that total State and local government employment will rise from 7.7 million in 1965 to a level of approximately 11.4 million by 1975—an increase of 48 percent. Total recruiting needs for administrative, professional, and technical employees (other than teachers) are estimated at 2.5 million persons over the 10-year period—an average of 250,000 a year. This includes both replacement needs and growth. Nothing similar to this critical manpower situation has ever been faced before by State and local governments.

The national pool of professional, administrative, and technical personnel is limited. The effort to distribute that personnel most usefully and to provide personnel systems with maximum effectiveness and flexibility requires national cooperation and Federal financial aid.

In summary, the problems are: (1) a great and rapidly growing need by State and local governments for professional, administrative, and technical personnel; and (2) a national shortage of such personnel.



The needs are: (1) merit personnel systems that will maximize effective use of personnel; (2) training programs; (3) transferability of personnel among local governments, the States and the Federal Government; and (4) substantial Federal assistance in funding.

#### PRINCIPLE PROVISIONS

The bill is designed to meet the above described needs and authorizes a series of activities and programs to assist State and local Governments in improving and strengthening their systems of personnel administration and training. The newly authorized activities and programs will include: (1) Intergovernmental cooperation in the development of policies and standards for the administration of programs for improvement of State and local personnel administration and training; (2) grants to State and local governments to plan and to make improvements in their systems of personnel administration; (3) administration of Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs; (4) grants to State and local governments and other appropriate organizations for carrying out approved plans for training State and local government employees, for the development of such plans by State and local governments, and for government service fellowships for employees selected for special graduate-level university training; (5) cooperative recruitment and examining activities with State and local governments; (6) advice and assistance at the request of State and local governments, to strengthen personnel administration; and (7) coordination of activities of Federal agencies in providing training and technical assistance services to State and local governments.

Title I of the bill provides for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by the act. This will be accomplished by an Advisory Council on Intergovernmental Personnel Policy which the President will appoint within 6 months after the bill is enacted.

The basic purpose of title II of the bill is to stimulate and assist State and local governments to strengthen their staffs and improve their systems of personnel administration. A related objective is to help bring about the maximum possible degree of effectiveness in the administration of federally-aided programs.

To assist States and local governments to develop and implement comprehensive plans to strengthen their career staffs and their systems of personnel administration on merit principles, title II authorizes the Civil Service Commission to—

Furnish technical advice and assistance, on request to State and general local governments seeking to improve their systems of personnel administration;

Make grants to State and local governments on a matching basis to help offset the costs of developing and carrying out programs or projects to strengthen the personnel administration of such governments;

Join on a share-cost basis, with State and local governments in cooperative recruiting and examining activities;

Coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance under this function with any support under other Federal programs; and

Administer Federal statutory provisions requiring the establishment and maintenance of personnel standards on a merit basis for State and local personnel engaged in certain federally assisted programs.

The purpose of title III is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields. Title III authorizes—

Grants on a matching basis to State and local governments and other organizations to help offset the costs of developing and carrying out programs to train and educate State and local government professional, administrative and technical employees and officials;

Grants to support Government Service Fellowships for State and local government personnel;

Reimbursement for the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs;

The covering of training costs incurred by the Commission in admitting State and local government personnel into the Commission's interagency training programs on a partially or non-reimbursable basis.

The purpose of title IV is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

The purpose of title V is to provide for the general administration of the act, and to provide for the establishment of certain advisory committees.

#### MAJOR ISSUES

In its deliberations on the bill, the committee considered a number of major policy questions posed by differences between provisions of S. 11 as passed by the Senate and points raised in the testimony of witnesses. The decisions reached as reflected in the provisions of S. 11 as amended by the committee are as follows:

#### AUTHORIZATION

The bill authorizes such sums as are necessary with no set annual amounts listed in order to make it possible to make requests for specific amounts consistent with budgetary requirements for the programs. The authorization is open-ended both in duration and in amount. The Civil Service Commission has advised the committee that it now estimates \$20 million will be requested for the first year of operations under the act, \$30 million in the second, and \$40 million annually in the years thereafter.

## ALLOCATION

Under the bill, the Civil Service Commission will make a distribution of 20 percent of the available money among State and local governments on such factors as: relative population, number of employees affected, and urgency of programs or projects.

The remaining 80 percent shall be allocated by the Commission among the States on a weighted formula taking into consideration such factors as (1) the relative population and (2) the number of State and local government employees affected.

Within States, the 80 percent will be further allocated between the State and local governments on a weighted formula, taking into consideration such factors as number of employees and the amount of State and local government expenditures. The minimum allocation for meeting the needs of local governments in each State will be 50 percent of the amount so allocated to the State.

## COST-SHARING RATIO

The Federal share for the title II program to assist State and local governments to strengthen their staff by improving their personnel administration is 75 percent during the first 3 years of the program and 50 percent thereafter. The Federal share for the title III program of training grants is on the same cost-sharing ratio.

Under the government service fellowship program Federal funds are authorized (1) to cover the cost of books, transfer and transportation and such related expenses as may be authorized by the Commissioner; (2) for reimbursement to the State or local government for not to exceed 25 percent of the salary of each fellow during the period of the fellowship; and (3) a cost of education allowance at a rate determined by the Commissioner.

## ELIGIBLE GRANTEES

State and general local governments are eligible for participation in title II and title III. Under the bill a State is defined as a State of the United States, District of Columbia, Commonwealth of Puerto Rico, a territorial possession of the United States or a Federal interstate agency. A general local government is defined as a city, county, or comparable general-purpose political subdivision of a State. Other organizations are eligible to receive funds for training programs under title III, but only in certain circumstances. "Other organizations," is defined as a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments; and association of State or local public officials; or a nonprofit organization one of whose principal functions is to offer professional, advisory, research, development, educational or related services to governments. Individuals are not eligible to receive grants.

## MAINTENANCE OF EFFORT

Under the bill, State and local governments must assure that the making of a Federal grant will not result in a reduction in relevant State or local government expenditure.

RELATIONSHIP OF STATE TO GENERAL LOCAL GOVERNMENTS IN THE  
PROCESSING OF GRANT APPLICATIONS

The general effect of the provisions of the bill is to place the Governor of each State in a strong leadership position with respect to the implementation of the program being authorized, but not to authorize an absolute veto. All applications under title I and title III must be submitted to the Government for review, comments and recommendation. On the other hand, a city, for example, is assured that its application for a grant will reach the Civil Service Commission, with the Governor's comments and recommendations if he makes them, or without them. If he does make them and the Commission does not follow them, the Commission must give an explanation in writing to the Governor.

The Governor is given full opportunity to develop a State plan with the agreement of the local governments or a statewide plan through a State agency established by State law which provides adequate involvement of local government officials.

*Coordination and Duplication:* The committee was greatly concerned that effective coordination of programs be obtained and that duplication be avoided. To that end the Civil Service Commission is directed (a) to include requirements for coordination in regulations for training programs; (b) to coordinate training programs under this Act with other Federal training programs; and (c) to avoid duplication of training programs, with particular regard to title IX (Education for the Public Service) of the Higher Education Act of 1965. Similar coordination and avoidance-of-duplication provisions are required in regard to personnel administration and technical assistance. The same principle is given general application in sec. 503(d)(4), with particular regard to title I (Community Service and Continuing Education) of the Higher Education Act of 1965.

Various merit programs now administered by other departments are transferred to the Civil Service Commission. Typically, these programs relate to Federal requirements for personnel administration on a merit basis in connection with certain Federal grant-in-aid programs. The bill provides for continuance of merit system standards issued under the present laws until these standards are modified or superseded by the Commission. The transfer of Federal staff relating to State and local personnel administration in grant programs will provide a nucleus for expanded technical assistance.

At the same time the committee was also concerned that the independence of State and local governments be preserved. Accordingly, the Commission is directed to recognize fully the rights, powers, and responsibilities of State and local governments and to encourage innovation and allow for diversity. Similar injunctions are set out in particular situations as, for example, in regard to merit systems developed to support Federal grant-in-aid programs. Particular limitations on Commission authority in dealing with State and local governments are set out in section 208(f). The same concern is expressed in the provisions controlling grants to other organizations. The Commission is required to find that State or local governments have requested the program and to determine that the capability to provide the training does not exist, or is not readily available, or if it exists that the government or association is not disposed to provide it.



## SECTION-BY-SECTION ANALYSIS

The title sets forth the basic purpose of the bill as a whole and provides that it may be cited as the Intergovernmental Personnel Act of 1970.

*Section 2.*—This section sets forth the finding and declaration of Congress that since the effectiveness of State, local, and Federal Governments are interdependent, it is in the national interest that the quality of public service at all levels of government be improved. This can be achieved through the development of systems of personnel administration consistent with such merit principles as insuring openness and equity in recruitment, appointment, advancement, retention, and separation; providing equitable and adequate pay scales and benefits; upgrading of skills through training; and insulating employees from partisan political pressures. To this end, Federal financial and technical assistance is in the national interest.

*Section 3.*—This section provides that the act shall be administered in such a manner that the rights, powers, and responsibilities of State and local governments are fully recognized, and to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

## TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

*Section 101.*—This section sets forth the purpose of the title, which is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this act.

## ADVISORY COUNCIL

*Section 102.*—This section provides for the appointment by the President of an advisory council on intergovernmental personnel policy within 180 days after enactment. This shall be done without adherence to provisions regarding appointments in the competitive service. The President may terminate the council at any time after the expiration of 3 years following its establishment.

Subsection (b) provides that the council, not exceeding 15 members, shall be composed primarily of officials from all levels of government but shall also include members selected from employee organizations, educational institutions, and the general public. At least half its governmental members shall be officials of State and local governments.

Subsection (c) states that it shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of improving personnel administration in State and local governments, strengthening these governments in their training efforts, and in their development of personnel administration systems, and facilitating assignments of personnel between the Federal Government and State and local governments.

Subsection (d) provides that members of this council who are not full-time employees of the Federal Government may be compensated at rates not in excess of the daily rates for GS-18 employees, including travel time and per diem.

## REPORTS ON THE ADVISORY COUNCIL

*Section 103.*—This section provides that the council shall report its findings and recommendations to Congress and the President from time to time.

Subsection (b) states that the initial report is to be made not later than 18 months after the council's establishment, and shall include its views and recommendations on: the feasibility and desirability of extending merit requirements to additional grant-in-aid programs; appropriate standards for merit personnel administration; and the possible use of financial and other incentives to encourage the development of such comprehensive systems of personnel administration based on merit.

Subsection (c) provides that the President shall propose legislation to Congress which he judges desirable to implement the recommendations of the council.

## TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

*Section 201.*—This section states the purpose of the title which is to assist State and local governments in strengthening their staffs by improving personnel administration.

## STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

*Section 202.*—This section provides that the Civil Service Commission (hereinafter referred to as the Commission) is authorized to make grants to States for up to 75 percent, to be reduced to 50 percent after 3 years, of the costs of developing and implementing programs or projects to strengthen personnel administration when the Commission finds upon certification of the Governor of that State that the programs or projects contained within the State's application are consistent with the merit principles set forth in section 2 of the act: Inasmuch as these grants are designed to strengthen personnel administration on the part of State and local governments, the authority provided by this section is to be employed in such manner as to encourage innovation and allow for diversity in the design, execution, and management of such programs by the governments concerned.

Subsection (b) states that, to be approved, an application by a State for a personnel administration grant must provide for designation, by the Governor, of the State office that will have responsibility for the program or project; establishment, where appropriate, or improvement of personnel systems based on principles of merit; specific personnel administration improvement needs of the State; assurance that such a grant will not effect a reduction in pertinent State or local spending; and clear and practical actions for improving such aspects of personnel administration as—

The establishment of statewide personnel systems to meet the needs of jurisdictions not able to provide such systems for themselves;

The effecting of State grants to local governments for improved personnel systems;

The conduct of manpower requirement studies, and remedial action where appropriate;

The strengthening of one or more of the major areas of personnel administration;

The conduct of research and demonstration projects by the State and by appropriate nonprofit institutions;

The strengthening of programs for the disadvantaged and underutilized;

Training programs to upgrade nonprofessional employees: Existing Federal programs aimed at this objective are described in the *National Assessment of the New Careers Program* (April 6, 1970, U.S. Department of Labor). These programs include the redesign of professional jobs to separate out those tasks not requiring professional training and experience, thereby creating new para-professional positions and career ladders. Programs to develop true career opportunity incentive systems for all public service employees, particularly opportunities for the disadvantaged, are also described;

The achieving of the most effective use of scarce professional, administrative and technical personnel. It is particularly a matter of concern that occupational analyses be made of professional employment so as to separate out those tasks not requiring professional training and experience, thereby creating non-professional positions;

The augmentation of intergovernmental cooperation in all area of personnel administration wherever feasible.

*Section 203.*—This section authorizes the Commission to make grants to general local governments, or combinations thereof, that serve a population of 50,000 or more. Funding can be 75 percent, to be reduced to 50 percent after 3 years, of the cost of development and implementation of programs or projects upon certification of the mayor or chief executive officer of the general local government that the programs or projects are consistent with the principles set forth in section 2 of this act. Such a grant may not be made if the State has an approved plan covering the local government worked out with the agreement of the local government, unless the local government has problems not met by the plan and for which the State is agreed that a separate application not be submitted. At the request of the Governor or chief executive authority, indicating that he is developing such a plan, such a grant may not be made for 90 days after 180 days from date of enactment or from date of promulgation of regulations whichever is later.

Such a grant will also not be made if the State has a statewide plan developed by a State agency established pursuant to State law which provides adequate organization and staff and adequate procedures insuring involvement of officials of the affected local governments, unless the local government has a special problem not met by the statewide plan. At the request of the Governor or chief executive authority, indicating that he is developing such a statewide plan, such a grant may not be made during a period for 180 days after 180 days from date of enactment or from date of promulgation of regulations whichever is later.

The Commission may also make grants to local governments, or combinations of governments, which serve a population of less than 50,000, if it finds that this will help them meet essential needs in

programs or projects of national interest and will assist such governments in alleviating personnel problems relating to these programs.

The application must be submitted to the Governor for review, comments, and recommendations. Such comments and recommendations shall accompany the application to the Commission together with a statement by the local government that it has considered them. If the Governor makes no comments or recommendations, after 60 days the local government may file the application directly with the Commission.

The Commission shall send an explanation in writing to the Governor whenever it does not concur with his recommendations.

#### INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

*Section 204.*—This section authorizes the Commission to join State and local governments in cooperative recruiting and examining programs on a shared-cost basis, under procedures and regulations to be jointly agreed upon.

Subsection (b) authorizes the Commission to certify to such governments from Federal registers the names of potential employees. Procedures are to be jointly agreed upon, and there must be a written request for such services from the State or local government. The Commission will determine the costs of the operation and reimbursements shall be credited to the appropriation or fund from which the expenses were or are to be paid.

#### TECHNICAL ASSISTANCE

*Section 205.*—The Commission is authorized by this section to furnish, on request, technical advice and assistance to State and local governments seeking to improve their systems of personnel administration. The Commission may waive from such governments payments, in whole or in part, for the costs involved in furnishing this assistance.

#### COORDINATION OF FEDERAL PROGRAMS

*Section 206.*—This section authorizes the Commission (after consultation with other concerned agencies) to (1) coordinate the personnel administration support and assistance rendered to State and local governments within the terms of this act, and any such support given under other Federal programs; and (2) make the arrangements necessary to avoid duplication and to insure consistent administration of related Federal activities, including the collection, maintenance, and dissemination of data on grants for personnel systems' support and technical assistance.

#### INTERSTATE COMPACTS

*Section 207.*—This section gives the consent of Congress for any two or more States to enter into compacts or agreements for cooperative efforts and mutual assistance (including establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of the States concerned and for employees of their local government jurisdictions. Such compacts and agreements must not be in conflict with any Federal laws.



*Section 208.*—Subsection (a) of this section transfers to the Commission all functions, powers, and duties of any Federal department agency, office, or official (other than the President) that relate to the prescription of personnel standards on a merit basis under any provision of law or regulation that specifically requires the establishment and maintenance of personnel standards on a merit basis for programs financed in whole or in part by Federal grant-in-aid funds.

Subsection (b) of this section directs the Commission to aid State and local governments to comply with the personnel standards prescribed by the Commission under the authorities transferred to it by subsection (a) of this section. Subsection (b) directs the Commission to advise Federal agencies administering grant programs as to the application of such standards and to recommend actions which will most effectively achieve the purposes of this title.

Subsection (c) of this section provides for the transfer from applicable Federal agencies to the Commission, to the extent determined by the Director of the Bureau of the Budget, of the personnel, property, records, unexpended appropriations, allocations, and other funds which are concerned with the functions, powers, and duties transferred to the Commission by section 208(a). It is understood that any personnel engaged in functions transferred will be transferred in accordance with applicable laws and regulations relating to transfer of functions.

Subsections (d) and (e) of this section provide that personnel standards issued by Federal agencies under current laws will remain in effect until modified or superseded by standards issued under this act; and that standards issued pursuant to this act by the Commission must encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

Subsection (f) states that neither section 202 nor 203 (1) authorize Federal control over any personnel action concerning an individual State or local employee; (2) authorize the application of merit personnel standards to teaching personnel; (3) prevent employees' or their organization's participation in the development of policies and procedures affecting their employment; (4) require or request disclosure of an employee's race, religion or national origin, or that of his forebears; (5) require or request an applicant or an employee to submit to examination on his personal relationship with persons connected by blood or marriage, or concerning his attitude with respect to sexual matters; or (6) require his participation in any activities not related to the performance of official duties.

Subsection (g) provides that section 208 will become effective 60 days after the date of enactment of this act.

### TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

*Section 301.*—This section sets forth the basic purpose of this title, which is to strengthen State and local government programs for the training and development of their employees and officials, particularly those in professional, administrative, and technical occupations.

## ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

*Section 302.*—Subsection (a) of this section authorizes admittance of State and local government employees and officials to training programs established by a Federal agency to train Federal professional, administrative, or technical personnel. The subsection provides that the admittance of State and local employees and officials is subject to such conditions as the head of the Federal agency establishing the training program may prescribe.

Subsection (b) of this section states Federal agencies admitting State and local government employees and officials to their training programs may waive payments for the training from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

Subsection (c) of this section authorizes the Commission to use appropriations authorized by this act to meet the initial additional developmental or overhead costs incurred because of the admittance of State or local employees to Federal training courses, and to reimburse other Federal agencies for these costs.

## GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

*Section 303.*—This section authorizes the Commission, if training is not adequately provided for under grant-in-aid or other statutes, to make grants to States and, under certain circumstances, to general local governments to meet up to 75 percent, to be reduced to 50 percent after 3 years, of the cost of developing and carrying out programs certified by the Governor or the mayor or chief executive officer of the general local government as consistent with the applicable principles of merit outlined in section 2, for training their professional, administrative, and technical employees and officials and approved by the Commission. Such grants may not be used to cover the costs of full-time graduate-level study, which is covered in section 305 of this act, or of the construction or acquisition of training facilities.

The State and local government's share of the costs may include the reasonable value of the facilities and personal services they provide. The State and local government's share of costs may not, however, consist solely of providing such facilities and services.

An application for a grant shall be made at such time or times, and contain such information as the Commission may prescribe. Subsection (b) sets forth the minimum requirements a State or general local government application for a training program grant must meet in order to be approved by the Commission. The Commission is authorized to waive any of the requirements in a specific justified case. In general, these requirements emphasize the importance of careful planning, a comprehensive approach, strong leadership by the chief executive, interprogram and interjurisdictional coordination, and similar matters. In addition, a State or local government is required to provide assurance that the grant will not result in the reduction of relevant expenditures or the substitution of Federal funds for funds previously made available for these purposes by the State or local government.

The Commission is authorized by subsection (c) to make grants to a general local government serving a population of 50,000 or more, or a combination of such local governments. Funding can be 75 percent, to be reduced to 50 percent after 3 years, of the cost of implementation of programs or projects which the Commission finds, upon certification of the mayor or chief executive officer of the general local government that the programs or projects are consistent with the principles set forth in section 2 of the act. Such a grant may not be made if the State has an approved plan covering the local government worked out with the agreement of the local government, unless the local government has problems not met by the plan and for which the State is agreed that a separate application not be submitted. At the request of the Governor or chief executive authority, indicating that he is developing such a plan, such a grant may not be made for 90 days after 180 days from date of enactment or from date of promulgation of regulations whichever is later.

Such a grant will also not be made if the State has a statewide plan developed by a State agency established pursuant to State law which provides adequate organization and staff and adequate procedures insuring involvement of officials of the affected local governments, unless the local government has a special problem not met by the statewide plan. At the request of the Governor indicating that he is developing such a statewide plan, such a grant may not be made during a period for 180 days after 180 days from date of enactment or from date of promulgation of regulations whichever is later.

The application submitted by the local government must meet requirements similar to those established for State applications unless any requirement is waived by the Commission.

The Commission may also waive the 50,000 population requirement and make grants to smaller general local governments, or combinations of such governments if it finds such grants will meet other essential needs in programs of national interest.

The application must be submitted to the Governor for review, comments, and recommendations. Such comments and recommendations shall accompany the application to the Commission together with a statement by the local government that it has considered them. If the Governor makes no comments or recommendations, after 60 days the local government may file the application directly with the Commission.

The Commission shall send an explanation in writing to the Governor whenever it does not concur with his recommendations.

#### GRANTS TO OTHER ORGANIZATIONS

*Section 304.*—This section authorizes the Commission to make grants to an organization representing member State or local governments, or an association of State or local officials, as well as nonprofit organizations that meet certain requirements specified in this section. These grants may pay up to 75 percent of the costs, to be reduced to 50 percent in 3 years, of providing training to State and local government professional, administrative, or technical employees and officials. To make such grants, the Commission must first find that State or local governments have requested the proposed program. The Commission must also determine that capability to provide such training does not

exist, or is not readily available within the Federal, State or local governments requesting such program or when associations of State or local governments, or if such capability does exist that such government or association is not disposed to provide such training. The Commission must also approve the training program as meeting requirements prescribed by its regulations.

#### GOVERNMENT SERVICE FELLOWSHIPS

*Section 305.*—This section authorizes the Commission to make grants to States and general local governments to support programs, approved by the Commission, to provide fellowships for graduate-level study to professional, administrative, and technical employees such State and local governments have selected for this training. The grants may cover the necessary costs of travel and transportation, books, and such related expenses as the Commission may authorize; reimbursement to the State or local government not to exceed one-fourth of the salary of the employee selected for the period of the graduate study, and payment to the educational institutions involved of such amounts as the Commission determines to be consistent with other prevailing practices under comparable federally funded programs, less any amount charged by the institution for tuition and nonrefundable fees and deposits.

A fellowship awarded by a State or general local government to a professional, administrative, or technical employee will be for a period not exceeding 2 years of full-time graduate-level study.

This section provides that the State or general local government will, subject to eligibility criteria prescribed by the Commission, select the individual employee to be awarded a fellowship. The State or general local government must, during the period of the fellowship, continue the full salary and normal employment benefits (such as credit for seniority, leave accrual, retirement, and insurance) to which the recipient of the fellowship is entitled, and outline in the application the plans made for the employer's continued utilization in the public service.

#### COORDINATION OF FEDERAL PROGRAMS

*Section 306.* This section directs the Commission, after consultation with other concerned Federal agencies, to prescribe regulations covering the training provided for in title III of the act. The regulations are to include requirements for coordination of, and reasonable consistency in, the training programs established by the Commission and by other Federal agencies under title III.

In addition, the section directs the Commission, again after consultation with other Federal agencies concerned, to coordinate the training support given State and local governments under this act with that provided under other Federal programs. The Commission is to make such arrangements as needed to avoid duplication among Federal programs providing for training of State and local government employees and to insure consistent administration of related Federal training activities with particular regard to title IX of the Higher Education Act of 1965. The Commission is authorized to collect and maintain appropriate data on Federal agency training grants and programs.



## TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

*Section 401.*—This section sets forth the purpose of title IV, namely to facilitate intergovernmental cooperation by authorizing temporary assignments of personnel between the Federal Government and State and local governments.

*Section 402.*—This section adds a new subchapter VI at the end of chapter 33 of title 5 of the United States Code embodying the mobility provisions.

### DEFINITIONS

Section 3371 of the new subchapter defines "State" and "local government" for the purpose of this title. These definitions are intended to be broad enough to include any agency of a State or local government at any level; their instrumentalities, including multi-State authorities and intra-State authorities; Federal-State authorities; and the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

There is no special definition of a Federal agency or a Federal employee in this section. For the purposes of this title a Federal agency would be any executive agency as defined under section 105 of title 5 of the United States Code. The definition of Federal employee would be that which appears in section 2105 of title 5. Uniformed personnel, including those in the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey do not come under its coverage.

### GENERAL PROVISIONS

*Section 3372.*—This section provides the broad framework for establishing mobility programs. It authorizes assignments of employees, with their consent, from one governmental jurisdiction to another for periods up to 2 years. Assignments could be extended by the Federal agency head concerned for not to exceed 2 years. The assignment would have to be for work which the Federal agency head determined would be of mutual benefit to his agency and the State or local jurisdiction concerned. Subchapter (b) authorizes the assignment of an employee of an executive agency to an institution of higher learning, and vice versa. Private as well as public institutions of higher learning would come under the purview of this provision.

### ASSIGNMENT OF FEDERAL EMPLOYEES TO STATE OR LOCAL GOVERNMENTS

*Section 3373.*—This section deals with the assignment of Federal employees to State and local jurisdictions. Under subsection (a) employees could be assigned either on a detail or leave without pay basis, whichever seems most desirable to the agencies involved. Employees serving on a detail basis would be treated as Federal employees for all purposes except that their supervision would be governed by agreement between the participating agencies. The Federal Tort Claims Act and any other Federal tort liability statute would continue to apply to Federal employees whether on detail or on leave without pay.

Subsection (b) provides that assignments either on a detail or leave without pay basis may be made with or without reimbursement by the State or local government for salary, supplemental salary, and travel and transportation expenses of Federal personnel. Authority would be available for Federal agencies to receive reimbursement from the State or local agency for all or part of the expenses of Federal employees.

Subsection (c) sets the ground rules for assignments of Federal employees to State and local governments on leave without pay. Such personnel would be given State or local government appointments, and their salary would come from State or local funds. However, Federal appropriations would be authorized for certain expenses. If the rate of pay for a State position is less than the rate of pay the Federal employee would have received had he remained at his Federal post, the Federal agency would pay a salary supplement equal to the difference. The supplement would be payable as earned, and would not be conditional on such factors as completion of the full period of assignment.

Employees serving on leave without pay would earn leave at the same rate as they would have earned it had they remained in their regular jobs. Employees would not be authorized to earn leave at a higher rate even if the position they occupied in the State government normally called for a higher earning rate. The determination whether the Federal Government or the State or local government paid for the leave would be arrived at by agreement between the participating agencies.

Federal employees on leave without pay would be entitled to continuation of their retirement, life insurance, and health benefits coverage under the civil service or other applicable systems as long as they currently paid the employee contribution into the appropriate fund or system. The employer contribution would be paid by the Federal agency originating the assignment for all three types of coverage. These personnel would continue to be covered under 5 U.S.C. 8501-8508 relating to unemployment compensation benefits.

Service performed on such assignments on leave without pay would be creditable for Federal salary, retention, retirement, and leave accrual purposes. Such service would also be creditable for early retirement purposes for law enforcement personnel under 5 U.S.C. 8336(c).

There is one circumstance, however, under which Federal health, life insurance, and retirement benefits would not be authorized. That would be when employees or their beneficiaries elected to receive benefits under State or local systems instead. The policy throughout this title is to bar the receipt of dual benefits by Federal employees for any purpose.

Subsection (d)(1) provides that if an employee on leave without pay is injured or killed in the performance of official duty, he or his beneficiary shall be treated for the purpose of injury compensation benefits as if he had been injured or killed while on active duty in his agency. Here, too, the employee or his beneficiary would have a choice between Federal and State benefits. And if the non-Federal benefit is selected, the employee or his beneficiary would not be entitled to a parallel Federal benefit.

Under subsection (d)(2) an employee who elects to receive State workmen's compensation benefits would not be entitled to Federal disability retirement for the same period.

#### ASSIGNMENT OF STATE OR LOCAL GOVERNMENT EMPLOYEES

*Section 3374.*—This section sets forth the conditions for assignment of State and local employees to the Federal Government.

Subsection (a) provides two methods for assigning State and local employees to Federal agencies which are comparable to the two methods authorized for Federal employee assignments to State and local governments. State or local employees could serve either on a detail basis or under a temporary Federal appointment without regard to the provisions governing appointment in the competitive civil service. An employee who is detailed to the Federal Government would remain a State government employee for most purposes. A State employee given a Federal appointment would be treated in the same way as any other temporary Federal employee for most purposes. He would not be entitled to tenure, and his appointment could be terminated at any time by the Federal agency employing him.

Subsection (b) provides that a State employee given a Federal appointment would not come under the coverage of the Civil Service Retirement Act or other applicable retirement systems or the Federal Employee Group Life Insurance Act. He would not be covered under the Federal Employees Health Benefits Act or similar authority unless his Federal appointment resulted in the loss of coverage under a State or local health benefits system.

Subsection (c) is concerned with the status of State and local personnel detailed to a Federal agency. Such personnel would not be entitled to Federal pay, but would be considered Federal employees for the purpose of certain Federal employee laws including those relating to conflict of interest, political activity, failure to account for public money, disclosure of confidential information, lobbying with appropriated funds, and tort claims. In addition, they would be subject to such regulations as the President may prescribe. The supervision of the duties of a State or local detailee would be governed by agreement between the participating agencies. A Federal agency could reimburse a State or local agency for all or part of the salary of a State or local detailee.

Subsection (d) provides that a State or local government employee serving on detail or under Federal appointment who is disabled or dies as a result of personal injury sustained while in the performance of official duty is to be treated as a Federal employee for on-the-job injury compensation benefits. However, as in the case of the Federal employee who is injured serving on a State or local government assignment, the State or local employee or his beneficiary would not be entitled to receive both Federal and State benefits for the same injury.

Section (e) provides that if a State or local government fails to continue the employer's contribution to the State or local government retirement, life insurance, and health benefit plans for a State or local government employee under Federal appointment, the employer's contribution or a part thereof, may be paid by the Federal agency concerned. In these situations, the Federal agency would transmit deposits directly to the State or local government system.

## TRAVEL EXPENSES

*Section 3375.*—This section authorizes the payment of travel, including a per diem allowance for State and local government employees assigned to Federal agencies and Federal employees assigned to State and local governments. This section is intended to be broad enough to provide for the needs of Federal, State, and local employees en route to, from, and during their assignments in either the Federal Government or State and local governments.

The authorizations provided would be available for Federal agency use on a discretionary basis under regulations prescribed by the President.

Subsection (a)(1) provides authority for a Federal agency to pay the costs of travel, including mileage and allowances, and per diem in lieu of subsistence in accordance with subchapter I of chapter 57, title 5, United States Code, of Federal, State, and local employees en route to, from, and during assignment.

Subsection (a)(2) provides authority to pay the travel and transportation expenses of the immediate families of employees assigned to another governmental jurisdiction and return. This includes transportation of household goods and personal effects, packing, crating, temporarily storing and unpacking, etc.

Subsection (a)(3) provides authority to pay a per diem allowance for the immediate family of the employee while en route to and from the assignment location in accordance with section 5724a(a)(1) of title 5 of the United States Code.

Subsection (a)(4) would authorize payment of subsistence expenses for the employee and his immediate family for a period up to 30 days while occupying temporary quarters at the assignment location with section 5724a(a)(3) of title 5.

Subsection (a)(5) provides for the payment of expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location in accordance with section 5726(c) of title 5.

Subsection (b) provides that the expenses specified in subsection (a) may not be allowed unless the employee signs a written agreement to complete the entire period of his assignment or 1 year, whichever is shorter, unless separated for reasons beyond his control. If the agreement is violated, the expenses would be recoverable by the United States. However, an agency head could waive the right of recovery with respect to State or local government employees assigned to his agency.

Subsection (c) authorizes the use of appropriations to transport the remains and personal effects of employees and their dependents who die while on assignment.

## REGULATIONS

*Section 3376.*—This section sets forth section headings for each of the major provisions of this title, and states that the President may prescribe regulations for the administration of this subchapter.

## REPEAL OF SPECIAL AUTHORITIES

*Section 403.*—This section repeals other employee mobility authorities with the exception of section 314(f) of the Public Health Service Act relating to commissioned officers of the Public Health Service.



## EFFECTIVE DATE

*Section 404.*—This section sets the effective date of this title at 60 days after enactment.

## TITLE V—GENERAL PROVISIONS

## DECLARATION OF PURPOSE

*Section 501.*—This section sets forth the purpose of this title, which is to provide for the general administration of titles I, II, III, and V of the act, and to provide for the establishment of certain advisory committees.

## DEFINITIONS

*Section 502.*—This section defines, for the purposes of the act, the terms, "Commission", "Federal agency", "State", "local government", and "general local government".

## GENERAL ADMINISTRATIVE PROVISIONS

*Section 503.*—This section provides that, unless otherwise specifically provided, the Commission shall administer the act, and shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of the act.

In the performance of, and with respect to, the functions, powers, and duties vested in it by the act, the Commission is authorized by subsection (c) to issue standards and regulations necessary to carry out the purposes of the act; to consent to the modification of any contract entered into under the act; to include in any such contracts those covenants, conditions, or provisions the Commission deems necessary to assure that the purposes of the act will be achieved; and to enter into agreements with any Federal agency, State or local government, or other public or nonprofit agency or institution, for the use (on a reimbursable, nonreimbursable, or other basis) of their services and facilities.

Subsection (d) authorizes the Commission to collect information from time to time with respect to State and local government training and personnel administration programs under the act; to make such information available to interested public or private groups, organizations, or agencies; and to conduct research and make evaluations as needed for the efficient administration of the act. Subsection (d) requires the Commission to include a report on the administration of the act in its annual report. In addition, it requires the Commission to avoid duplication of programs and to ensure consistent administration of related Federal training activities, with particular regard to Title I of the Higher Education Act of 1965.

Section 503 further provides that the act's provisions are not a limitation on existing authorities under other statutes. Unless specifically provided otherwise, the act's provisions are in addition to such authorities.

## REPORTING REQUIREMENTS

*Section 504.*—This section provides that reports and evaluations shall be made by those State or local government offices designated to administrate an approved program under the act. Such reports and

evaluations will be made in such form, at such times, and containing such information concerning the status and use of Federal funds and the operation of the program as may be required by the Commission. In addition, the section requires that such designated State and local government offices keep and make available such records as the Commission may require for the verification of the reports. Similar requirements apply to organizations receiving training grants.

#### REVIEW AND AUDIT

*Section 505.*—This section requires grant recipients, for the purpose of audit and examination by the Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, to permit access to any books, documents, papers, and records that are pertinent to the grants received.

#### DISTRIBUTION OF GRANTS

*Section 506.*—Subsection (a) provides that the Commission shall allocate 20 percent of the amount available for grants under this act in the most equitable fashion among State and between State and local governments taking into account the population of the recipient jurisdiction, the number of employees affected, the urgency of the program, the need for funds, and the potential of the particular jurisdiction to use the funds most effectively.

Subsection (b) states that 80 percent of the total funds available for grants in each fiscal year shall be apportioned as a weighted formula among the States, taking into consideration such factors as size of population and the number of State and local employees affected. The minimum allocation for local governments shall be 50 percent of the amount allocated to the State. Any unused allocations of such funds may be reallocated by the Commission. Total payments to any one State in any one fiscal year may not exceed  $12\frac{1}{2}$  percent of the total appropriation for that year.

#### TERMINATION OF GRANTS

*Section 507.*—This section authorizes the Commission to terminate payments made by the Commission under the act to a State or local government whenever it finds, after giving the government concerned reasonable notice and opportunity for a hearing, that a program approved under the act has been so changed that it no longer complies with the provisions of the act or that in the operation of the program there is a failure to comply substantially with the provisions of the act.

The government concerned shall be notified by the Commission of its finding before payments are terminated. The Commission may, however, authorize the continuance of payments to those projects which are not involved in the noncompliance. The Commission is also authorized to resume payments when it is satisfied that such noncompliance has been, or will promptly be, corrected.

## ADVISORY COMMITTEES

*Section 508.*—This section authorizes the Commission to appoint, without regard to the provisions governing appointments in the competitive service, advisory committees to facilitate the administration of this act.

Subsection (b) provides that members of such committees who are not full-time employees of the United States may be compensated at rates not to exceed the daily rate for GS-18 employees, including travel and per diem, while serving on the business of the committees.

## APPROPRIATION AUTHORIZATION

*Section 509.*—This section authorizes such sums to be appropriated as are necessary to carry out the programs authorized by this act without fiscal year limitation.

## REVOLVING FUND

*Section 510.*—This section amends Sec. 1304(e) of Title 5, United States Code (relating to the revolving fund of the Civil Service Commission) by removing the limit of \$4 million on appropriations.

## LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

*Section 511.*—This section provides that State or local governments, in meeting their share of the costs under this act's grant provisions, may not use Federal funds made available to them under other programs, or funds they have used to meet their share of the costs on other federally assisted programs, except that Federal funds of a program wholly financed by Federal funds may be used to pay a pro rata share of such cost sharing.

## METHOD OF PAYMENT

*Section 512.*—This section authorizes the Commission to pay or accept payments under this act in installments and in advance or by reimbursement. The Commission is authorized to determine the specific method of payment to be employed in a particular case.

## EFFECTIVE DATE OF GRANT PROVISIONS

*Section 513.*—This section provides that the effective date of the grant provisions of this act shall be 180 days after its enactment.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS  
REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

\* \* \* \* \*  
§ 1304. Loyalty investigations; reports; revolving fund.

(a) \* \* \*

\* \* \* \* \*

(e)(1) A revolving fund [of \$4,000,000] is available, to the Commission without fiscal year limitation, for financing investigations, training, and such other functions as the Commission is authorized or required to perform on a reimbursable basis. However, the functions which may be financed in any fiscal year by the fund are restricted to those functions which are covered by the budget estimates submitted to the Congress for that fiscal year. To the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

(2) The capital of the fund consists of the aggregate of—

(A) appropriations made to provide capital for the fund, *which appropriations are hereby authorized*; and

(B) the sum of the fair and reasonable value of such supplies, equipment, and other assets as the Commission from time to time transfers to the fund (including the amount of the unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

(3) The fund shall be credited with—

(A) advances and reimbursements from available funds of the Commission or other agencies, or from other sources, for those services and supplies provided at rates estimated by the Commission as adequate to recover expenses of operation (including provision for accrued annual leave of employees and depreciation of equipment); and

(B) receipts from sales or exchanges of property, and payments for loss of or damage to property, accounted for under the fund.



(4) Any unobligated and unexpended balances in the fund which the Commission determines to be in excess of amounts needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts.

(5) The Commission shall prepare a business-type budget providing full disclosure of the results of operations for each of the functions performed by the Commission and financed by the fund, and such budget shall be transmitted to the Congress and considered, in the manner prescribed by law for wholly owned Government corporations.

(6) The Comptroller General of the United States shall, as a result of his periodic reviews of the activities financed by the fund, report and make such recommendations as he deems appropriate to the Committees on Post Office and Civil Service of the Senate and House of Representatives at least once every three years.

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### Chapter 33.—EXAMINATION, SELECTION, AND PLACEMENT

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#### SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

*Sec.*

3371. *Definitions.*

3372. *General provisions.*

3373. *Assignments of employees to State or local governments.*

3374. *Assignments of employees from State or local governments.*

3375. *Travel expenses.*

3376. *Regulations.*

\* \* \* \* \*

#### SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

##### § 3371. *Definitions*

*For the purpose of this subchapter—*

(1) “State” means—

(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

(2) “local government” means—

(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

##### § 3372. *General provisions*

(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

(1) an employee of his agency to a State or local government; and  
 (2) an employee of a State or local government to his agency;  
 for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

- (b) This subchapter is authority for and applies to the assignment of—  
 (1) an employee of an executive agency to an institution of higher education; and  
 (2) an employee of an institution of higher education to an executive agency.

**§ 3373. Assignment of employees to State and local governments**

(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

- (1) on detail to a regular work assignment in his agency; or  
 (2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

(c) For any employee so assigned and on leave without pay—

(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

(3) he is entitled, notwithstanding other statutes—

(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement

system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat his service during that period as service of the type performed in the agency immediately before his assignment; and

(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

(d)(1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

#### **§ 3374. Assignments of employees from State or local governments**

(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

(2) be deemed on detail to the executive agency.

(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

(1) subchapter III of chapter 83 of this title or other applicable retirement system;

(2) chapter 87 of his title; and

(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

(c) During the period of assignment, a State or local government employee on detail to an executive agency—

(1) is not entitled to pay from the agency;

(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

(3) is subject to such regulations as the President may prescribe. The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.



(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

### **§ 3375. Travel expenses.**

(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

(1) subchapter I of chapter 57 of this title, for the expenses of—

(A) travel, including a per diem allowance, to and from the assignment location;

(B) a per diem allowance at the assignment location during the period of the assignment; and

(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

### **§ 3376. Regulations.**

The President may prescribe regulations for the administration of this subchapter.

\* \* \* \* \*

## ACT OF AUGUST 2, 1956

## [AN ACT

[To provide for further effectuating the Act of May 15, 1862, through the exchange of employees of the United States Department of Agriculture and employees of State political subdivisions or educational institutions.

*[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that the objectives of this Act are to aid in the dissemination of useful information on subjects connected with agriculture and to provide a means whereby the Government of the United States and the several States may better cooperate in problems arising as a result of the interrelationships of their work in the field of agriculture.*

[SEC. 2. For the purposes of this Act, the term "Department" shall be deemed to mean United States Department of Agriculture; "Secretary" shall mean Secretary of the United States Department of Agriculture; and "State" shall mean a State, county, city, municipality, land-grant college, or a college or university operated by any State or local government.

[SEC. 3. In carrying out this Act, the Secretary is authorized through cooperative agreements or otherwise to provide for the interchange of employees of the Department and employees of States. The period of assignment under such an interchange arrangement shall not exceed two years.

[SEC. 4. Employees of the Department participating in an exchange of personnel as authorized in section 3 may be considered during such participation to be (1) on detail to a regular work assignment of the Department, or (2) in a status of leave-of-absence from their positions in the Department. Employees who are considered to be detailed shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the Department for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the Department and the State involved. Employees who are in a leave-of-absence status as provided herein shall be carried on leave without pay: *Provided*, That they may be granted annual leave to the extent authorized by law and may be granted authorized sick leave only in circumstances considered by the Secretary to justify approval of such leave. Except as otherwise provided in this Act, such employees shall have the same rights, benefits, and obligations as employees generally who are in such leave status but notwithstanding any other provision of law such employees shall be entitled to credit the period of such assignment (1) toward periodic and longevity step-increases, and (2) upon payment into the retirement fund of the percentage of their State salary which would have been deducted from a like Federal salary for the period of such assignment, to credit such period as service within the meaning of the Civil Service Retirement Act; and they shall also be entitled to continuation of their benefits under the Federal Employee's Group Life Insurance Act of 1954 and the Federal Employees Health Benefits Act of 1959, so long as the Department continues to collect the employee's contribution from the employee and to transmit for timely deposit into the employees' life insurance fund or the employees' health benefits fund, as the case may

be, the amount of the employee's contribution, and the Government's contribution from Department appropriations. Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in the performance of duties in connection therewith shall be treated, for the purposes of the Federal Employees' Compensation Act, as amended (5 U.S.C., sec. 790), as though he were an employee, as defined in such Act, who had sustained such injury in the performance of such duty, but shall not receive benefits under that Act for any period for which he elects to receive similar benefits from a State agency.

[SEC. 5. Appropriations of the Department shall be available, in accordance with Standardized Government Travel Regulations, as amended, for the expenses of travel of employees assigned to States on either a detail or leave basis, expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects to the location of the posts of assignment and for such expenses for the return of employees to their official stations, but shall not be available for expenses of travel of the employees during such period of assignment.

[SEC. 6. Employees of States who are assigned to the Department under authority of this Act may (1) be given appointments in the Department covering the periods of such assignments, or (2) be considered to be on detail to the Department. Appointments of persons so assigned may be made without regard to the civil-service laws or regulations. Persons given appointment in the Department shall be paid at rates of compensation in accordance with the Classification Act of 1949, as amended. State employees who are assigned to the Department without appointment shall not be considered to be employees of the Department, except as provided in section 7, nor shall they be paid a salary or wage by the Department during the period of their detail. The supervision of the duties of such employees during the assignment may be governed by agreement between the Department and the State involved.

[SEC. 7. (a) Any State employee who is assigned to the Department without appointment shall nevertheless be subject to the provisions of sections 281, 283, 284, 434, 1902, 1905, and 1914 of title 18 of the United States Code and section 99, title 5, of the United States Code.

[ (b) Any State employee who is given an appointment while assigned to the Department or who is assigned to the Department without appointment and who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith shall be treated, for the purpose of the Federal Employees' Compensation Act, as amended (5 U. S. C., sec. 790), as though he were an employee, as defined in such Act, who had sustained such injury in the performance of such duty, but shall not receive benefits under that Act for any period for which he elects to receive similar benefits as a State employee.

[SEC. 8. The appropriations of the Department shall be available in accordance with the Standardized Government Travel Regulations, as amended, for the payment of expenses of travel of persons assigned to, but not given appointments by, the Department under authority

of this Act during the periods of such assignments on the same basis as if they were employees of the Department.]

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# SECTION 553 OF THE ACT OF APRIL 11, 1965

## [INTERCHANGE OF PERSONNEL WITH STATES

[SEC. 553. (a) For the purposes of this section, the term "State" means a State or any agency of a State engaged in activities in the field of education, including local educational agencies; and the term "Office" means the Office of Education.

[(b) The Commissioner is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States to the Office and assignment of officers and employees in the Office to States, for work which the Commissioner determines will aid the Office in more effective discharge of its responsibilities as authorized by law, including cooperation with States and the provision of technical or other assistance. The period of assignment of any officer or employee under an arrangement shall not exceed two years.

[(c)(1) Officers and employees in the Office assigned to any State pursuant to this section shall be considered, during such assignment, to be (A) on detail to a regular work assignment in the Office, or (B) on leave without pay from their positions in the Office.

[(2) Persons considered to be so detailed shall remain as officers or employees, as the case may be, in the Office for all purposes, except that the supervision of their duties during the period of detail may be governed by agreement between the Office and the State involved.

[(3) In the case of persons so assigned and on leave without pay—

[(A) if the rate of compensation (including allowances) for their employment by the State is less than the rate of compensation (including allowances) they would be receiving had they continued in their regular assignment in the Office, they may receive supplemental salary payments from the Office in the amount considered by the Commissioner to be justified, but not at a rate in excess of the difference between the State rate and the Office rate; and

[(B) they may be granted annual leave and sick leave to the extent authorized by law, but only in circumstances considered by the Commissioner to justify approval of such leave.

Such officers and employees on leave without pay shall, notwithstanding any other provision of law, be entitled—

[(C) to continuation of their insurance under the Federal Employees' Group Life Insurance Act of 1954, and coverage under the Federal Employees Health Benefits Act of 1959, so long as the Office continues to collect the employee's contribution from the officer or employee involved and to transmit for timely deposit into the funds created under such Acts the amount of the employee's contributions and the Government's contribution from appropriations of the Office; and

[(D) to credit the period of their assignment under the arrangement under this section toward periodic or longevity step increases,



and for retention and leave accrual purposes, and, upon payment into the civil service retirement and disability fund of the percentage of their State salary, and of their supplemental salary payments, if any, which would have been deducted from a like Federal salary for the period of such assignment and payment by the Commissioner into such fund of the amount which would have been payable by him during the period of such assignment with respect to a like Federal salary, to treat (notwithstanding the provisions of the Independent Offices Appropriation Act, 1959, under the head "Civil Service Retirement and Disability Fund") their service during such period as service within the meaning of the Civil Service Retirement Act;

except that no officer or employee or his beneficiary may receive any benefits under the Civil Service Retirement Act, the Federal Employees Health Benefits Act of 1959, or the Federal Employees' Group Life Insurance Act of 1954, based on service during an assignment hereunder for which the officer or employee or (if he dies without making such election) his beneficiary elects to receive benefits, under any State retirement or insurance law or program, which the Civil Service Commission determines to be similar. The Office shall deposit currently in the funds created under the Federal Employees' Group Life Insurance Act of 1954, the Federal Employees Health Benefits Act of 1959, and the civil service retirement and disability fund, respectively, the amount of the Government's contribution under these Acts on account of service with respect to which employee contributions are collected as provided in subparagraph (C) and the amount of the Government's contribution under the Civil Service Retirement Act on account of service with respect to which payments (of the amount which would have been deducted under that Act) referred to in subparagraph (D) are made to such civil service retirement and disability fund.

[(4) Any such officer or employee on leave without pay who suffers disability or death as a result of personal injury sustained while in the performance of his duty during an assignment hereunder, shall be treated, for the purposes of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law

[(d) Assignment of any officer or employee in the Office to a State under this section may be made with or without reimbursement by the State for the compensation (or supplementary compensation), travel and transportation expenses (to or from the place of assignment), and allowances, or any part thereof, of such officer or employee during the period of assignment, and any such reimbursement shall be credited to the appropriation utilized for paying such compensation, travel or transportation expenses, or allowances.

[(e) Appropriations to the Office shall be available, in accordance with the standardized Government travel regulations, for the expenses

of travel of officers and employees assigned to States under an arrangement under this section on either a detail or leave-without-pay basis and, in accordance with applicable law, orders, and regulations, for expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects, in connection with the travel of such officers and employees to the location of their posts of assignment and their return to their official stations.

[(f) Officers and employees of States who are assigned to the Office under an arrangement under this section may (1) be given appointments in the Office covering the periods of such assignments, or (2) be considered to be on detail to the Office. Appointments of persons so assigned may be made without regard to the civil service laws. Persons so appointed in the Office shall be paid at rates of compensation determined in accordance with the Classification Act of 1949, and shall not be considered to be officers or employees of the Office for the purposes of (1) the Civil Service Retirement Act, (2) the Federal Employees' Group Life Insurance Act of 1954, or (3) unless their appointments result in the loss of coverage in a group health benefits plan whose premium has been paid in whole or in part by a State contribution, the Federal Employees Health Benefits Act of 1959. State officers and employees who are assigned to the Office without appointment shall not be considered to be officers or employees of the Office, except as provided in subsection (g), nor shall they be paid a salary or wage by the Office during the period of their assignment. The supervision of the duties of such persons during the assignment may be governed by agreement between the Commissioner and the State involved.

[(g)(1) Any State officer or employee who is assigned to the Office without appointment shall nevertheless be subject to the provisions of sections 203, 205, 207, 208, and 209 of title 18 of the United States Code.

[(2) Any State officer or employee who is given an appointment while assigned to the Office, or who is assigned to the Office without appointment, under an arrangement under this section, and who suffers disability or death as a result of personal injury sustained while in the performance of his duty during such assignment shall be treated, for the purpose of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents, in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

[(h) The appropriations to the Office shall be available, in accordance with the standardized Government travel regulations, during the period of assignment and in the case of travel to and from their places of assignment or appointment, for the payment of expenses of travel of persons assigned to, or given appointments by, the Office under an arrangement under this section.

[(i) All arrangements under this section for assignment of officers or employees in the Office to States or for assignments of officers or employees of States to the Office shall be made in accordance with regulations of the Commissioner.]

## PUBLIC HEALTH SERVICE ACT

\* \* \* \* \*

### GRANTS TO STATES FOR COMPREHENSIVE STATE HEALTH PLANNING

#### SEC. 314. \* \* \*

\* \* \* \* \*

#### [INTERCHANGE OF PERSONNEL WITH STATES <sup>1</sup>

[(f) (1) For the purposes of this subsection, the term "State" means a State or a political subdivision of a State, or any agency of either of the foregoing engaged in any activities related to health or designated or established pursuant to subparagraph (A) of paragraph (2) of subsection (a); the term "Secretary" means (except when used in paragraph (3)(D)) the Secretary of Health, Education, and Welfare; and the term "Department" means the Department of Health, Education, and Welfare.

[(2) The Secretary is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States to the Department and assignment to States of officers and employees in the Department engaged in work related to health, for work which the Secretary determines will aid the Department in more effective discharge of its responsibilities in the field of health as authorized by law, including cooperation with States and the provision of technical or other assistance. The period of assignment of any officer or employee under an arrangement shall not exceed two years.

[(3) (A) Officers and employees in the Department assigned to any State pursuant to this subsection shall be considered, during such assignment, to be (i) on detail to a regular work assignment in the Department, or (ii) on leave without pay from their positions in the Department.

[(B) Persons considered to be so detailed shall remain as officers or employees, as the case may be, in the Department for all purposes, except that the supervision of their duties during the period of detail may be governed by agreement between the Department and the State involved.

[(C) In the case of persons so assigned and on leave without pay—

[(i) if the rate of compensation (including allowances) for their employment by the State is less than the rate of compensation (including allowances) they would be receiving had they continued in their regular assignment in the Department, they may receive supplemental salary payments from the Department in the amount considered by the Secretary to be justified, but

<sup>1</sup> This subsection (f) is repealed except where it is applicable to commissioned officers of the Public Health Service.

not at a rate in excess of the difference between the State rate and the Department rate; and

[(ii) they may be granted annual leave and sick leave to the extent authorized by law, but only in circumstances considered by the Secretary to justify approval of such leave.

Such officers and employees on leave without pay shall, notwithstanding any other provision of law, be entitled—

[(iii) to continuation of their insurance under the Federal Employees' Group Life Insurance Act of 1954, and coverage under the Federal Employees Health Benefits Act of 1959, so long as the Department continues to collect the employee's contribution from the officer or employee involved and to transmit for timely deposit into the funds created under such Acts the amount of the employee's contributions and the Government's contribution from appropriations of the Department; and

[(iv) (I) in the case of commissioned officers of the Service to have their service during their assignment treated as provided in section 214(d) for such officers on leave without pay, or (II) in the case of other officers and employees in the Department, to credit the period of their assignment under the arrangement under this subsection toward periodic or longevity step increases and for retention and leave accrual purposes, and, upon payment into the civil service retirement and disability fund of the percentage of their State salary, and of their supplemental salary payments, if any, which would have been deducted from a like Federal salary for the period of such assignment and payment by the Secretary into such fund of the amount which would have been payable by him during the period of such assignment with respect to a like Federal salary, to treat (notwithstanding the provisions of the Independent Offices Appropriations Act, 1959, under the head "Civil Service Retirement and Disability Fund") their service during such period as service within the meaning of the Civil Service Retirement Act;

except that no officer or employee or his beneficiary may receive any benefits under the Civil Service Retirement Act, the Federal Employees Health Benefits Act of 1959, or the Federal Employees' Group Life Insurance Act of 1954, based on service during an assignment hereunder for which the officer or employee or (if he dies without making such election) his beneficiary elects to receive benefits, under any State retirement or insurance law or program, which the Civil Service Commission determines to be similar. The Department shall deposit currently in the funds created under the Federal Employees' Group Life Insurance Act of 1954, the Federal Employees Health Benefits Act of 1959, and the civil service retirement and disability fund, respectively, the amount of the Government's contribution under these Acts on account of service with respect to which employee contributions are collected as provided in subparagraph (iii) and the amount of the Government's contribution under the Civil Service Retirement Act on account of service with respect to which payments (of the amount which would have been deducted under that Act) referred to in subparagraph (iv) are made to such civil service retirement and disability fund.

[(D) Any such officer or employee on leave without pay (other than a commissioned officer of the Service) who suffers disability or death



as a result of personal injury sustained while in the performance of his duty during an assignment hereunder, shall be treated, for the purposes of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

[(4) Assignment of any officer or employee in the Department to a State under this subsection may be made with or without reimbursement by the State for the compensation (or supplementary compensation), travel and transportation expenses (to or from the place of assignment), and allowances, or any part thereof, of such officer or employee during the period of assignment, and any such reimbursement shall be credited to the appropriation utilized for paying such compensation, travel or transportation expenses, or allowances.

[(5) Appropriations to the Department shall be available, in accordance with the standardized Government travel regulations or, with respect to commissioned officers of the Service, the joint travel regulations, for the expenses of travel of officers and employees assigned to States under an arrangement under this subsection on either a detail or leave-without-pay basis and, in accordance with applicable law, orders, and regulations, for expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects in connection with the travel of such officers and employees to the location of their posts of assignment and their return to their official stations.

[(6) Officers and employees of States who are assigned to the Department under an arrangement under this subsection may (A) be given appointments in the Department covering the periods of such assignments, or (B) be considered to be on detail to the Department. Appointments of persons so assigned may be made without regard to the civil service laws. Persons so appointed in the Department shall be paid at rates of compensation determined in accordance with the Classification Act of 1949, and shall not be considered to be officers or employees of the Department for the purposes of (A) the Civil Service Retirement Act, (B) the Federal Employees' Group Life Insurance Act of 1954, or (C) unless their appointments result in the loss of coverage in a group health benefits plan whose premium has been paid in whole or in part by a State contribution, the Federal Employees Health Benefits Act of 1959. State officers and employees who are assigned to the Department without appointment shall not be considered to be officers or employees of the Department, except as provided in subsection (7), nor shall they be paid a salary or wage by the Department during the period of their assignment. The supervision of the duties of such persons during the assignment may be governed by agreement between the Secretary and the State involved.

[(7) (A) Any State officer or employee who is assigned to the Department without appointment shall nevertheless be subject to the

provisions of sections 203, 205, 207, 208, and 209 of title 18 of the United States Code.

[(B) Any State officer or employee who is given an appointment while assigned to the Department, or who is assigned to the Department without appointment, under an arrangement under this subsection, and who suffers disability or death as a result of personal injury sustained while in the performance of his duty during such assignment shall be treated, for the purpose of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents, in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

[(8) The appropriations to the Department shall be available, in accordance with the standardized Government travel regulations, during the period of assignment and in the case of travel to and from their places of assignment or appointment, for the payment of expenses of travel of persons assigned to, or given appointments by, the Department under an arrangement under this subsection.

[(9) All arrangements under this subsection for assignment of officers or employees in the Department to States or for assignment of officers or employees of States to the Department shall be made in accordance with regulations of the Secretary.]



